

Declaration for Patent Application and Power of Attorney

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name, and that I believe I am the original, first and sole inventor (if only one is listed) or an original, first and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention described in the attached specification entitled **TUNABLE LIGHT SOURCE EMPLOYING OPTICAL PARAMETRIC OSCILLATION NEAR DEGENERACY**, filed herewith.

| | | | | |
|---------------------------------------|-----------------|-------------------------------------------------|--------------|----|
| First or Sole Inventor: | Full name: | MARK A. ARBORE | Citizenship: | US |
| | Residence: | 171 Pepper Court, Los Altos, CA 94022 | | |
| | Postal Address: | same as above | | |
| Second Joint Inventor (if any): | Full name: | LAWRENCE E. MYERS | Citizenship: | US |
| | Residence: | 360 College Avenue, Apt. 7, Palo Alto, CA 94306 | | |
| | Postal Address: | same as above | | |

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

| Country | Application Number | Date of Filing | Priority Claimed Under 35 U.S.C. §119 |
|---------|--------------------|----------------|----------------------------------------------------------|
| NONE | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

PRIOR U. S. APPLICATION(S)

| Application No. | Filing Date | Status | | | |
|-----------------|-------------|--------------------------------------|-----------------------------------|----------------------------------|----------------------------------|
| NONE | | <input type="checkbox"/> Provisional | <input type="checkbox"/> Patented | <input type="checkbox"/> Pending | <input type="checkbox"/> Regular |

I hereby appoint Thomas J. McFarlane, Reg. No. 39,299, Marek Alboszta, Reg. No. 39,894, Rena Kaminsky, Reg. No., 46,818 as my agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. Direct all correspondence to:

Marek Alboszta
 45 Cabot Ave., Suite 110
 Santa Clara, CA 95051
 Telephone: 408-260-7300
 Fax: 408-260-7301

The attorney docket number for this case is: **LWE-144**.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Title 18, §1001 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR SIGNATURE(S)



MARK A. ARBORE

5/18/01

Date



LAWRENCE E. MYERS

5/18/01

Date

POWER OF ATTORNEY BY ASSIGNEE

The undersigned assignee of the entire interest in the attached application for Letters Patent for the invention entitled:

TUNABLE LIGHT SOURCE EMPLOYING OPTICAL PARAMETRIC OSCILLATION NEAR DEGENERACY

by virtue of Assignment recorded concurrently herewith hereby appoints Thomas J. McFarlane, Reg. No. 39,299, Marek Alboszta, Reg. No. 39,894, Rena Kaminsky Reg. No., 46,818 as its agents to prosecute the attached application and to transact all business in the Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor(s) and their attorney(s) in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

Please direct all communication relative to said application to the following correspondence address:

Marek Alboszta
Lumen
45 Cabot Ave., Suite 110
Santa Clara, CA 95051
Telephone: 408-260-7300
Facsimile: 408-260-7301

I am duly authorized to sign this instrument on behalf of assignee corporation. I hereby declare that, to the best of my knowledge and belief, title is in the assignee herein, and I affirm review of the Assignment document concurrently submitted and believe that the attached application has been assigned to assignee herein and that assignee therefore has the right to make this Power of Attorney and Exclusion of Inventor(s).

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ASSIGNEE: LIGHTWAVE ELECTRONICS CORPORATION

Lightwave Electronics Corporation
2400 Charleston Road
Mountain View, CA 94303

Official Authorized to Act on Behalf of Assignee:

Signature: Jeffrey D. Kmetec
Name: Jeffrey D. Kmetec
Title: VP, Bus. Dev.

5/18/01
Date

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(d)) – SMALL BUSINESS CONCERN

Application No.: Not Yet Assigned
 Filing Date: Herewith
 Applicant(s): Mark A. Arbore, et al.
 Title: TUNABLE LIGHT SOURCE EMPLOYING OPTICAL PARAMETRIC
 OSCILLATION NEAR DEGENERACY

I hereby declare that I am the owner of, or an official empowered to act on behalf of, the entity identified below:

Name of Concern: **Lightwave Electronics Corporation**
 Address of Concern: **2400 Charleston Road**
Mountain View, CA 94043

I hereby declare that the concern identified above qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in the application for Letters Patent filed herewith.

If the rights held by the concern identified above are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(a) or a nonprofit organization under 37 CFR 1.9(e).

* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

| | | |
|----------|--|-------------------------------------------------|
| Name: | | <input type="checkbox"/> Individual |
| Address: | | <input type="checkbox"/> Small Business Concern |
| | | <input type="checkbox"/> Nonprofit Organization |

I acknowledge the duty to file, in this application for patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

ASSIGNEE: **Lightwave Electronics Corporation**
2400 Charleston Road
Mountain View, CA 94043

Official Authorized to Act on Behalf of Assignee:

Signature: Jeffrey D. Kmetec
 Name: Jeffrey D. Kmetec
 Title: VP, Bus. Dev.

5/18/01
 Date

ASSIGNMENT

THIS ASSIGNMENT, by

MARK A. ARBORE and LAWRENCE E. MYERS

(hereinafter referred to as the Assignors), residing at **Los Altos, California**, and **Palo Alto, California**, respectively, witnesseth:

WHEREAS, said Assignors have invented certain new and useful improvements in

TUNABLE LIGHT SOURCE EMPLOYING OPTICAL PARAMETRIC OSCILLATION NEAR DEGENERACY

for which application for Letters Patent has been executed on _____, and is attached hereto

WHEREAS,

LIGHTWAVE ELECTRONICS CORPORATION

(hereinafter referred to as the Assignee), a body having corporate powers under the laws of the state of **CALIFORNIA**, **MOUNTAIN VIEW, CALIFORNIA 94043**, is desirous of obtaining the entire right, title and interest in and to said inventions and said application for Letters Patent, and in and to any Letters Patent, United States or foreign, to be obtained therefor and thereon;

WHEREAS, said Assignors and said Assignee have executed an agreement entitled "Agreement Concerning Rights in Invention."

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and for other good and sufficient considerations, the receipt of which is hereby acknowledged:

1. The Assignors have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over unto said Assignee, the entire right, title and interest in, to and under said inventions; said application for Letters Patent; any Letters Patent which may be granted for said inventions in the United States of America and any foreign country; any division, continuation, and continuation-in-part of said application; any reissue or extension of said Letters Patent; and all rights under the International Convention for the Protection of Industrial Property; said right, title and interest to be held and enjoyed by said Assignee for its own use and behoove to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by the Assignors, had this sale and assignment not been made.
2. Said Assignors hereby jointly and severally warrant and represent that, at the time of execution and delivery of these presents, said Assignors are the joint and lawful owners of the entire right, title and interest in and to said inventions and said application for Letters Patent, and that the same have not entered into any assignment, contract or understanding in conflict herewith.
3. Said Assignors hereby jointly and severally covenant and agree to assist and cooperate with said Assignee, whereby said Assignee may enjoy to the fullest extent said right, title and interest herein conveyed, provided, however, that the entire expense which may be incurred by said Assignors in lending such assistance and cooperation be paid by Assignee. Such cooperation shall include: (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect said right, title and interest herein conveyed, (b) prompt execution of all petitions, oaths, specifications, declarations and other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for filing or prosecuting in the United States or any foreign country said application, any application which is a division, continuation, or continuation-in-part of said application, any reissue application for any Letters Patent granted on said application, or for any interference proceeding involving said application or Letters Patent granted thereon; and (c) prompt assistance and cooperation in the prosecution of all legal proceedings involving said inventions, said application, or Letters Patent granted thereon, including oppositions, cancellation proceedings, priority contests, public use proceedings and court actions.
4. The terms, covenants and conditions of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignors, their heirs, legal representatives and assigns.

5. The terms, covenants and conditions of this Assignment are subject to the payment of royalty by Assignee to Assignors in accordance with the provisions of said Agreement Concerning Rights in Invention.

6. Said Assignors hereby request the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States to said Assignee as the assignee of said inventions.

IN WITNESS WHEREOF said Assignors have executed and delivered this instrument on the respective dates noted below.

Date: _____
MARK A. ARBORE

State: _____ County: _____

Subscribed and sworn to before me on this _____ day of _____, 20____

Notary Public

Date: _____
LAWRENCE E. MYERS

State: _____ County: _____

Subscribed and sworn to before me on this _____ day of _____, 20____

Notary Public